



### REMARKS

Claims 35-48, 55 and 57-59 are pending. Claims 45 and 55 have been amended. Claim 56 has been cancelled. Applicant reserves the right to pursue the original claims and other claims in this and in other applications.

Claims 35, 36, 40-45, 47-48 and 55-59 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,775,983 ("Shendon"). Applicant respectfully traverses the rejection.

Claim 35 recites a conditioning device comprising, in part, "a system for moving said rotatable roller segments relative to said glazed polishing surface and for moving said glazed polishing surface relative to said roller segments at a predetermined rate." Applicant respectfully submits that this limitation is not disclosed or taught by Shendon.

Shendon is directed to an apparatus and method for conditioning a polishing pad for use in a polishing apparatus. (Shendon, col. 1, lines 8-11). Although the Shendon device may have rollers that rotate at various speeds, the device does not have a system to move the pad relative to the rollers and to move the rollers relative to the pad. The Office Action contends that the Applicant's earlier response was not persuasive given that Shendon states that the pad is rotated. (Office Action, p.4). Applicant respectfully traverses the argument. Shendon discloses that the "rollers rotate as the pad moves, because the protrusions on the rollers 102, 104 . . . causes the motion of the pad to rotate the rollers." (Col. 6, lines 52-55). Therefore, Shendon does not disclose, teach or suggest "a system for moving said rotatable roller segments relative to said glazed polishing surface and for moving said glazed polishing surface relative to said roller segments at a predetermined rate." Applicant respectfully

submits that the 35 U.S.C. § 102(e) rejection of independent claim 35 and dependent claims 36, 40-44 be withdrawn and the claims reconsidered.

Claim 45 recites a conditioning device wherein "said conditioning device is adjustable during a conditioning process in response to measurements of surface characteristics of work pieces." Applicant respectfully submits that this limitation is not disclosed or taught by Shendon.

As mentioned earlier, Shendon is directed to an apparatus and method for conditioning a polishing pad for use in a polishing apparatus. (Shendon, col. 1, lines 8-11). The apparatus of Shendon does not have a device that polishes surfaces in response to the surface characteristics of the polishing surface. The Office Action contends that Applicant's earlier response is not persuasive and appears to reject claim 45 on the doctrine of inherency. (Office Action, p.4). Applicant respectfully submits, however, that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency. To establish inherency, the reference must make clear that the missing descriptive matter is necessarily present in the thing described. Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999); *In re Rijckaert*, 9 F.3d 1531, 1534 (Fed. Cir. 1993). Therefore, Applicant respectfully submits that the 35 U.S.C. § 102(e) rejection of independent claim 45 and dependent claims 47-49 be withdrawn and the claims allowed.

Additionally, Shendon does not disclose or teach all of the limitations of claim 45, as amended. Particularly, Shendon does not disclose, teach or suggest a device that "is adjustable during a conditioning process in response to measurements of surface characteristics of work pieces." Accordingly, Applicant respectfully submits

that the 35 U.S.C. § 102(e) rejection of independent claim 45 and dependent claims 47-49 be withdrawn and the claims allowed.

Claim 55 recites a conditioning apparatus comprising, in part, "said conditioning device comprising roller segments, and said system further comprising a drive system for moving said conditioning device along the direction of rotation of said roller segments during conditioning." This limitation is not taught or disclosed in the Shendon reference.

As mentioned earlier, Shendon is directed to an apparatus and method for conditioning a polishing pad for use in a polishing apparatus. (Shendon, col. 1, lines 8-11). In the Shendon apparatus, the rollers 102 are held in place by a shaft 401 fitted to a horizontal cross plate 508. (FIG. 1). The horizontal cross plate 508 is attached to a guide bar 512 mounted on a chassis 607 and the guide bar 512 may be rotated or vertically moved with respect to the chassis 607. Unlike the claimed invention in which the conditioning device may be moved along the direction of rotation of the roller segments during the conditioning process, the rollers 102 in the Shendon apparatus can be moved only vertically with respect to the pad 603. Accordingly, Applicant respectfully submits that the 35 U.S.C. § 102(e) rejection of independent claim 55 and dependent claims 57-59 be withdrawn and the claims allowed.

Claims 37 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shendon. Applicant respectfully traverses the rejection.

Claims 37 and 38 depend from claim 35 and thus, include the limitations of claim 35. As such, claims 37 and 38 recite, in part, "a system for moving said rotatable roller segments relative to said glazed polishing surface and for moving said glazed polishing surface relative to said roller segments at a predetermined rate." As

mentioned earlier, this limitation is not disclosed or taught by Shendon. For at least this reason, Applicant respectfully submits that claims 37 and 38 are allowable.

Claims 39 and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shendon in view of U.S. Patent No. 6,086,460 ("Labunsky"). Applicant respectfully traverses the rejection.

Claim 39 ultimately depends from claim 35 and thus, includes the limitations of claim 35. As such, claim 39 recites, in part, "a system for moving said rotatable roller segments relative to said glazed polishing surface and for moving said glazed polishing surface relative to said roller segments at a predetermined rate." As mentioned earlier, Shendon fails to teach this limitation. Labunsky does not cure the deficiencies of Shendon. The Office Action relies on Labunsky to teach a polishing web with a cylindrical roller that is driven by a motor and capable of longitudinal movement. (Office Action, p.3). Because cited references, individually or in combination, fail to teach or suggest all of the elements of claim 39, Applicant respectfully requests the 35 U.S.C. § 103(a) rejection be withdrawn and claim 39 allowed.

Claim 46 depends from claim 45 and thus, includes the limitations of claim 45. As such, claim 46 recites, in part, "said conditioning device is adjustable during a conditioning process in response to measurements of surface characteristics of work pieces." As mentioned earlier, Labunsky is directed to a method and apparatus for conditioning a polishing pad for use in chemical mechanical planarization. Labunsky does not disclose, teach or suggest a "conditioning device [that] is adjustable during a conditioning process in response to measurements of surface characteristics of work pieces." As mentioned above, Shendon also fails to teach this limitation. Because cited references, individually or in combination, fail to teach or suggest all of the elements of

claim 46, the claim is allowable. Accordingly, the rejection should be withdrawn and the claim allowed.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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